

From: Justin Scott
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

Justin Scott
10514 Woodley Ave.
Granada Hills, CA 91344
jmsscott42@earthlink.net

23 January 2002

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Ms. Hesse,

I am writing regarding the proposed settlement of the Microsoft antitrust lawsuit. As a professional in the computing field, I must say that I find the current settlement unacceptable, as do a majority of my colleagues I have spoken to about the issue. The settlement does little to change Microsoft's future actions, and what few proposed remedies exist, tend to remedy situations that no longer exist (due to Microsoft's monopolistic actions).

This remedy does not penalize Microsoft for its past actions, and for all of the smaller competitors it has destroyed not out of having better products, but by leveraging its monopoly. Furthermore, the proposed settlement leaves many of the key provisions (opening of API's, which products fall under the settlement) up to Microsoft! This will allow them to simply continue their current actions, claiming that whatever they want to do is not covered by the settlement.

Microsoft's actions have hurt, not helped, innovation in the computing field. At every turn, they have proved to be out for one goal only: the enlargement of Microsoft to control the entire industry. If another company proves competitive, they either buy them out, or destroy them by leveraging their monopoly (see: Netscape, the Caldera vs. Microsoft ruling, etc.) Microsoft must be kept under close government control and scrutiny until such a time that their monopolistic powers are diminished, and fair competition can once again rule the industry.

Until a remedy is proposed that gives competition back to the industry, consumers will be hurt. Fair market competition is the cornerstone of our economy, giving companies a chance to survive on the merits and value of

their products. Consumers must be protected from future abuses. I ask that the current settlement be abandoned, in favor of a truly forward-thinking settlement that frees the industry of Microsoft's overbearing shadow.

I would propose that a fair remedy entail Microsoft being required to open up ALL proprietary file formats and structures to any competitor, of any size, specifically requesting them. As well, Microsoft should only be allowed to use its sizable collection of patents for defensive purposes, not as leverage to force companies to do Microsoft's bidding. Furthermore, Microsoft must be required to provide this information into the future, and it must extend to any products that Microsoft either has created, or will create.

Microsoft's monopoly is so widespread that only sweeping actions will make a difference. For example, no sizable competitors to Microsoft Word exist as Word is a closed format, so to be compatible, you must use Word. There are no sizable competitors to Windows as specific, proprietary knowledge is closely guarded. Microsoft makes use of "secret" API calls in their OS and software applications that no other developer can use. If these problems are removed, and everyone is put back on a fair playing field, competition will bloom.

Thank you for your time reading this.

Sincerely,

Justin Scott